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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,697	10/31/2001	John David	RPS920010138US1	2997

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EXAMINER	
PATEL, ANAND B	
ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,697	DAVID ET AL.	
	Examiner	Art Unit	
	Anand Patel	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-9,12,13 and 19-26* is/are rejected.

7)☒ Claim(s) *4,5,10,11,14-18 and 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Amendment filed 5/20/05 has been entered.

Claim Objections

2. Claims 14-18, 27 are objected to because of the following informalities: claims recite limitations involving binary executable boot code and authentications. There is insufficient antecedent basis for this limitation in the claim. The parent claims 13 and 26 contain only a processor and a memory unit coupled to the processor. Applicant is advised to change the memory unit that "is operable for storing" to "stores" the computer program. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 23, 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent No 3461432 to Keiter et al (Keiter).

- As per claim 13, Keiter discloses a system comprising:
  - A processor (11); and
  - A memory unit coupled to said processor (20).

Keiter teaches a memory that can store information (column 1, lines 66-69). Thus the system taught by Keiter would be operable to store the program claimed in the instant application.

- As per claim 23, Keiter discloses a system comprising:
  - A server (column 1, lines 39-42); and
  - A plurality of terminals coupled to said server (column 1, lines 39-44);

  Wherein said server comprises:
    - A processor (11); and
    - A memory unit coupled to said processor (20).
- As per claim 26, Keiter discloses a system comprising:
  - A processor (11); and
  - A memory unit coupled to said processor (20).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-3, 6-9, 12, 19-20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6609154 to Fuh et al (Fuh), in view of US Patent No 6732267 to Wu et al (Wu).

- As per claim 1, Fuh discloses a method for updating authentications in terminals from a central site comprising the steps of:

- Identifying a file (400) associated with another file to update (432), wherein another file in said file comprises a first authentication (column 10, lines 55-59);
- Updating said first authentication in another file in said file to become a second authentication (732);
- Identifying one or more terminals to be updated with said updated file (identifying 210 is inherent based on the updating of the authentication), wherein each of said one or more terminals comprises a read only memory (108) configured to store the file comprising the first authentication (732 holds the first authentication; memory to store this file is inherent);
- Updating said file in each of said one or more identified terminals with said updated file (732), wherein, upon updating the file in each of said one or more identified terminals with said updated file, each of said one or more identified terminals stores said file comprising said second authentication in read only memory (108; inherent that the new authentication information is stored in memory).

Fuh fails to disclose a file that is binary executable boot code. Wu teaches a method wherein BIOS is updated (column 1, lines 30-35). It would have been advantageous to update the BIOS because the system can take advantage of new features and can support new hardware (column 1, lines 30-35). It would have been obvious to one or ordinary skill in the art at the time of invention to incorporate the teachings of Wu with Fuh to update authentications in BIOS. Motivation to combine is the advantage of being able to support new features and hardware. BIOS and binary executable boot code are art-identified equivalents and as such can be substituted for one another.

- As per claim 2, Fuh discloses a method wherein said file in each of said one or more identified terminals is updated via a network (405). Fuh fails to disclose the file being a binary executable boot code. Wu teaches updating a BIOS (column 1, lines 30-35), which is an art-identified equivalent of binary executable boot code.
- As per claim 3, Fuh discloses a method wherein said file in each of said one or more identified terminals is updated via a storage medium (218). Fuh fails to disclose the file being a binary executable boot code. Wu teaches updating a BIOS (column 1, lines 30-35), which is an art-identified equivalent of binary executable boot code.
- As per claim 6, Fuh fails to disclose a file that is a Basic Input/Output System binary executable code. Wu teaches updating a file that is a Basic Input/Output System binary executable code (column 1, lines 30-35).
- As per claim 7, Fuh discloses a computer program product embodied in a machine readable medium for updating authentications in terminals from a central site comprising the programming steps of:
    - Identifying a file (400) associated with another file to update (432), wherein another file in said file comprises a first authentication (column 10, lines 55-59);
    - Updating said first authentication in another file in said file to become a second authentication (732);
    - Identifying one or more terminals to be updated with said updated file (identifying 210 is inherent based on the updating of the authentication), wherein each of said one or more terminals comprises a read only memory (108) configured to store the file

comprising the first authentication (732 holds the first authentication; memory to store this file is inherent);

- Updating said file in each of said one or more identified terminals with said updated file (732), wherein, upon updating the file in each of said one or more identified terminals with said updated file, each of said one or more identified terminals stores said file comprising said second authentication in read only memory (108; inherent that the new authentication information is stored in memory).

Fuh fails to disclose a file that is binary executable boot code. Wu teaches a method wherein BIOS is updated (column 1, lines 30-35).

- As per claim 8, Fuh discloses a computer program product wherein said file in each of said one or more identified terminals is updated via a network (405). Fuh fails to disclose the file being a binary executable boot code. Wu teaches updating a BIOS (column 1; lines 30-35), which is an art-identified equivalent of binary executable boot code.
- As per claim 9, Fuh discloses a computer program product wherein said file in each of said one or more identified terminals is updated via a storage medium (218). Fuh fails to disclose the file being a binary executable boot code. Wu teaches updating a BIOS (column 1, lines 30-35), which is an art-identified equivalent of binary executable boot code.
- As per claim 12, Fuh fails to disclose a file that is a Basic Input/Output System binary executable code. Wu teaches updating a file that is a Basic Input/Output System binary executable code (column 1, lines 30-35).
- As per claim 19, Fuh discloses a system comprising:
  - A processor (104);

- A memory unit coupled to said processor, wherein said memory unit is a read only memory (108), wherein said read only memory stores a file (432), wherein said file comprises an authentication (column 10, lines 55-59).

  Fuh fails to disclose the file being a binary executable boot code. Wu teaches updating a BIOS (column 1, lines 30-35), which is an art-identified equivalent of binary executable boot code.

- As per claim 20, Fuh discloses a system wherein said read only memory is a flash read only memory unit (column 16, lines 44-51; Fuh teaches the interchangeability of these memory-types).

- As per claim 24, Fuh discloses a method for storing authentications in terminals from a central site comprising the steps of:

  - Creating a file (400; the initial file must inherently be created) comprising another file (432), wherein another file wherein another file in said file comprises a first authentication (column 10, lines 55-59);

  - Identifying one or more terminals to store said file (identifying 210 is inherent based on the updating of the authentication), wherein each of said one or more terminals comprises a read only memory (108);

  - Storing said file in said memory in each of said identified one or more terminals (732; updating is a means of storing information within another file), wherein each of said one or more identified terminals stores said file comprising said authentication in said read only memory (108; inherent that the new authentication information is stored in memory).

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh, in view of Wu, and further in view of US Patent No 6757825 to MacKenzie et al (Mackenzie).

- As per claim 21, Fuh and Wu fail to teach an authentication that is a password. MacKenzie teaches a system wherein said authentication is a password (column 3, lines 23-25).

  An added level of security is an advantage of the system taught by MacKenzie (column 3, lines 39-44). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Fuh, Wu, and MacKenzie. Motivation to combine is extra password security.

8. Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuh, in view of Wu, and further in view of US Patent No 6725205 to Weiler et al (Weiler).

- As per claims 22, 25, Fuh and Wu fail to teach an authentication that is a authentication number used to regulate software installation. Weiler teaches a system wherein said authentication is an authentication number used to permit installation of software (column 4, lines 26-31).

  Enhancing system security is an advantage of the system taught by Weiler (column 2, lines 42-44). It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Fuh, Wu, and Weiler. Motivation to combine is enhanced system security.

Allowable Subject Matter

9. Claims 4-5, 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 5/20/05 have been fully considered but they are not persuasive.

11. Applicant argues that claims 1-12 and 24-25 are properly enabled in the application. Examiner agrees. Rejection under 35 U.S.C. 112 1st paragraph is withdrawn.

12. Applicant argues that claims 14-18 and 27 do not lack antecedent basis. Examiner disagrees. Rejection under 35 U.S.C. 112 2nd paragraph is withdrawn and an objection to these claims has been substituted outlining a way to fix the claim objections.

13. Applicant argues that Keiter does not disclose a memory unit that stores a program, which performs a multitude of steps. Examiner agrees. Keiter simply discloses a processor and a memory unit coupled to said processor, as was claimed by the Applicant. As stated above, the memory unit is not required to store data or perform steps, and thus, in the broadest reasonable interpretation, does not.

14. Applicant argues that the combination of Fuh and Wu is not properly motivated. Examiner disagrees. The ability to support new features and hardware is a proper motivation in order to stay in tune with developments and future technology in the computer arts. Motivation to modify references does not have to be directed specifically to the modification to be proper.

15. Applicant argues that Fuh and Wu do not disclose the claim limitations. Examiner disagrees. Fuh teaches, as stated above, the updating of 400 with a new authentication (that which includes the newly authenticated user). The fact that they are different files inherently makes one a first authentication and the other a second authentication. The authentication information is inherently stored in some file media that is updated when the user is authenticated. A terminal is necessarily identified; otherwise the step of updating would be illogical. Fuh does not specifically detail this step but it is inherent that the system is updating a terminal of its choice and not a random terminal. Fuh discloses a memory unit in an embodiment of the system and it is inherent that files are stored on a memory unit in an embodiment of the system. Again, the file that stores authentication information must be created at some point in order for the invention of Fuh to be coherent. The fact that a file to store authentication information is present is a necessary part of the invention even if it is not detailed in the specification of Fuh. As stated above, per the enablement rejection, the read only memory will be treated as being a generic memory.

16. Applicant argues that Wu does not teach binary executable boot code. Examiner disagrees. BIOS is inherently stored in binary in the system. Further support comes from Croucher, who teaches, on page 1, that BIOS executes boot code that is contained within the BIOS. Thus, Wu teaches a binary executable boot code that is updated.

17. Applicant argues that the combination of Fuh, Wu, and MacKenzie is not properly motivated. Examiner disagrees. Being in a more secure computing environment and being protected from outside intrusion is proper motivation to combine MacKenzie with the Fuh and Wu. Motivation to modify references does not have to be directed specifically to the modification to be proper.

18. Applicant argues that the combination of Fuh, Wu, and Weiler is not properly motivated. Examiner disagrees. Being in a more secure computing environment and being protected from outside intrusion is proper motivation to combine Weiler with the Fuh and Wu. Motivation to modify references does not have to be directed specifically to the modification to be proper.

19. Applicant argues that Fuh, Wu, and Weiler do not disclose the claim limitations. Examiner disagrees. Weiler teaches a serial number, which is an number that authenticates that specific software, that is used to allow or prevent unauthorized copying and distribution. Should the serial number be authentic, the distribution is allowed. From this point, (and as stated in Weiler column 4, lines 31, 57) the serial number is used to restrict or allow updates to the program.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABP

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